

REPRESENTATIONS, CERTIFICATIONS, AND NOTICES APPLICABLE TO OFFERS OF \$10,000 to \$500,000

Seller's authorized signature is required in the space provided at the bottom of this page. The representations and certifications shall apply based on the dollar value of this offer and the specific solicitation provisions and instructions contained in this request for proposal.

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By signing below, the offeror certifies that the representations and certifications are accurate, current, and complete.

Signature _____

Request for Proposal (RFP) Number _____

Date _____

Typed Name _____

Firm Name _____

Address _____

Telephone () _____

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.



1. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (EQUAL OPPORTUNITY)

The offeror represents that:

- a. It has ☐, has not ☐, participated in a previous contract or subcontract subject either to the Equal Opportunity clause of this solicitation, the clause originally contained in Section 310 of Executive Order No., 10925, or the clause contained in Section 201 of Executive Order No. 11114.
- b. Has ☐, has not ☐, filed all required compliance reports, or not applicable ☐.
- c. Representations indicating submission of required compliance reports, signed by proposed lower-tier subcontractors will be obtained prior to such lower-tier subcontract award.

2. WALSH-HEALEY PUBLIC CONTRACTS ACT REPRESENTATION

The offeror represents as a part of the offer that the offeror is ☐, is not ☐, a regular dealer in, and is ☐, is not ☐ a manufacturer of, the supplies offered.

3. PLACE OF PERFORMANCE

- a. The offeror or bidder, in the performance of any contract resulting from this solicitation intends ☐, does not intend ☐, to use one or more plants or facilities located at a different address from the address of the offeror as indicated in this proposal or bid.
- b. If the offeror or bidder checked "intends" in Paragraph a. above, the following information shall be provided:

Place of Performance (Street, Address, City, State, Zip Code)

Name and Address of Owner and Operator of the Plant or Facility if other than the Offeror.

4. CONTINGENT FEE REPRESENTATION AND AGREEMENT

a. Representation

The offeror represents that, except for full-time bona fide employees working solely for the offeror, the offeror:

- (1) Has ☐, has not ☐, employed or retained any person or company to solicit or obtain this subcontract.
- (2) Has ☐, has not ☐, paid or agreed to pay to any person or company employed or retained to solicit or obtain this subcontract any commission, percentage, brokerage or other fee contingent upon or resulting from the award of this subcontract.

b. Agreement

The offeror agrees to provide information relating to the above representation as requested by WTS.

NOTE: The offeror must check the appropriate boxes. For interpretation of the representation, including the term "bona fide employees," see Subpart 3.4 of the Federal Acquisition Regulation (FAR).

5. CERTIFICATE OF INDEPENDENT PRICE DETERMINATION

a. The offeror certifies that:

- (1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to
 - i. Those prices;
 - ii. The intention to submit an offer; or
 - iii. The methods or factors used to calculate the prices offered.
- (2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a formally advertised solicitation) or subcontract award (in the case of a negotiated solicitation) unless otherwise required by law.
- (3) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

b. Each signature on the offer is considered to be a certification by the signatory that the signatory:

- (1) Is the person in the offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs 10.a.(1) through 10.a.(3).
- (2) (a) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs 10.a.(1) through 10.a.(3). (For definition of "principals," refer to certification Provision No. 15.)

Insert full name of person(s) in the offeror's organization responsible for determination of the prices offered in this bid or proposal, and their title or their position in the offeror's organization.

Name _____

Title _____

- (b) The authorized agent certifies that the principals named in subdivision b.(2)(a) above have not participated, and will not participate, in any action contrary to subparagraphs 10.a.(1) through 10.a.(3).
- (c) The authorized agent has not personally participated, and will not participate in any action contrary to subparagraphs 10.a.(1) through 10.a.(3).

If the offeror deletes or modifies subparagraph 10.a.(2), the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

6. BUY AMERICAN CERTIFICATION

The offeror certifies that each end product, except those listed below, is a domestic end product (as defined in the clause entitled "Buy American Act-Supplies"), and that components of unknown origin are considered to have been mined, produced, or manufactured outside the United States.

End Products and identify if excluded from the Act.

(List as necessary) _____

Offerors may obtain lists of articles, materials, and supplies excepted from the Buy American Act (listed at 25.108 of the FAR).

7. COUNTRY OF MANUFACTURE

The product which the offeror proposes to furnish is ☐, is not ☐, manufactured, mined, or grown in the United States. If the product is not manufactured, mined, or grown in the United States, the country of manufacture is _____.

8. TECHNICAL DATA CERTIFICATION

- a. The offeror certifies that it has not delivered or is not obligated to deliver to the WTS under any subcontract the same or substantially the same technical data included in its offer, except as set forth below:

☐ Subcontract No. _____

Agency name and place of delivery

- b. The work to be performed and the known requirements for the technical data as set forth in the solicitation have been reviewed. To the best of my knowledge:

☐ There will be no technical data withheld from delivery as being proprietary data.

☐ The technical data listed on page _____ of the proposal will likely be used in conjunction with the performance of work under the subcontract and is represented as being proprietary data to be protected from unauthorized use and disclosure and therefore to be withheld from delivery in a report not having a restrictive legend.

9. PREFERENCE FOR LABOR SURPLUS AREA CONCERNS

- a. This acquisition is not a set-aside for labor surplus area (LSA) concerns. However, the offeror's status as such a concern may affect entitlement to award in case of tie offers. In order to determine whether the offeror is entitled to a preference, the offeror must identify below the LSA in which the costs to be incurred on account of manufacturing or production (by the offeror or the first-tier subcontractors) amount to more than 50 percent of the subcontract price.
- b. Failure to identify the locations as specified above will preclude consideration of the offeror as an LSA concern. If the offeror is awarded a subcontract as an LSA concern and would not have otherwise qualified for award the offeror shall perform the subcontract or cause the subcontract to be performed in accordance with the obligations of an LSA concern.

10. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS (This certification is applicable to contracts in excess of \$25,000.)

- a. (1) The offeror certifies, to the best of his/her knowledge and belief, that

(a) The offeror and/or any of its principals

- 1) Are ☐, are not ☐, presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency.
- 2) Have ☐, have not ☐, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- 3) Are ☐, are not ☐, presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision a.(1)(a)2) of this provision.

(a) The Offeror has ☐, has not ☐, within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

- (2) "Principals," for the purposes of this certification, means officers, directors, owners, partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

This certification concerns a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Section 1001, Title 18, United States Code.

- a. The offeror shall provide immediate written notice to the contracting officer if, at any time prior to contract award, the offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- b. A certification that any of the items in Paragraph a. of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the offeror's responsibility. Failure of the offeror to furnish a certification or provide such additional information as requested by the contracting officer may render the offeror nonresponsible.
- c. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by Paragraph a. of this provision. The knowledge and information of an offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- d. The certification in Paragraph a. of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the contracting officer may terminate the contract resulting from this solicitation for default.

11. CERTIFICATION OF NONSEGREGATED FACILITIES

- a. "Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom or otherwise.
- b. By the submission of this offer, the offeror certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The offeror agrees that a breach of this certification is a violation of the Equal Opportunity clause in the subcontract.
- c. The offeror further agrees that (except where it has obtained identical certifications from proposed lower-tier subcontractors for specific time periods) it will:
 - (1) Obtain identical certifications from proposed lower-tier subcontractors before the award of subcontracts under which the subcontractors will be subject to the Equal Opportunity clause.
 - (2) Retain the certifications on file.
 - (3) Forward the following notice to the proposed lower-tier subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods).

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

A Certification of Nonsegregated Facilities must be submitted before the award of a subcontract under which the subcontractor will be subject to the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (e.g., quarterly, semiannually, or annually).

12. AFFIRMATIVE ACTION COMPLIANCE

The offeror represents that 1) it has developed and has ☐ on file, has not ☐ developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2); or 2) it has not ☐ previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

NOTE: A written affirmative action program is required to be submitted to the Department of Labor within 120 days of award by a supplier with 50 or more employees and the order is priced at \$50,000 or more.

13. ROYALTY PAYMENTS CERTIFICATION

In order that WTS may be informed regarding royalty payments to be made by a subcontractor in connection with any procurement, construction, or operation where the amount of the royalty payment is reflected in the subcontract price, or is to be reimbursed by WTS, check one of the following:

- ☐ The subcontract price includes no amount representing the payment of royalty by the offering organization directly to others in connection with the performance of the subcontract.
- ☐ The subcontract price includes an amount for royalty payment expected to be made in accordance with the proposed award. The offeror shall set forth below: 1) the amount of each payment; 2) the names of licensor; and 3) either the patent numbers involved or such other information as will permit identification of the patents and patent applications and the basis on which royalties will be paid.

14. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (APPLICABLE TO OFFERS OF \$100,00 OR MORE)

- a) The definitions and prohibitions contained in the clause, Limitation on Payments to influence Certain Federal Transactions, included in this solicitation, are hereby incorporated by reference in paragraph (b) of this certification.
- b) The offeror, by signing this offer, hereby certifies to the best of his or her knowledge and belief as of December 23, 1989, that:
 - i. No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency.

15. COST ACCOUNTING STANDARDS - EXEMPTION FOR CONTRACTS OF \$500,000 OR LESS

If this proposal is expected to result in the award of a subcontract of \$500,000 or less, the offeror shall indicate whether the exemption below is claimed. Failure to check the box below shall mean that the resultant subcontract is subject to CAS requirements or that the offeror elects to comply with such requirements.

- ☐ The offeror hereby claims an exemption from the CAS requirements under the provisions of 48 CFR, Subpart 9903.201-1(b)(2).